IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4128 of 2005

Between:

Chipulla Pentaiah S/o.late Thatayya
R/o.Chukkavanipalem Bheemunipatnam,

Visakhapatnam.

..... PETITIONER

AND

-

1 The District Collector, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Bheemunipatnam,

Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in attempting to dispossess him from his land and thereby trying to demolish his house without issuing any notice or giving me an opportunity of being heard as illegal, arbitrary, unjust and violative of fundamental rights guaranteed under Constitution of India and also violative of Principles of natural justice and to consequently direct the respondents not to interfere with his peaceful possession and enjoyment of the land to an extent of Ac.0.40 cents in S.No.5 of Gangadapalem, Govupet of Kapuluppada Mandal, Bheemunipatnam, Visakhapatnam District without following due process of law.

Counsel for the Petitioner: MR.RAVI CHEEMALAPATI

Counsel for Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner seeks a Writ of Mandamus to declare the alleged action of the respondents in attempting to dispossess him from his land to an extent of Acs.0.40 cents in S.No.5, situated at Gangadapalem, Govupeta of Kapuluppada Mandal, Bheemunipatnam, Visakhapatnam District, and thereby trying to demolish his house

standing on the said land, without issuing any notice or giving him an opportunity of being heard as illegal and arbitrary.

The petitioner states that he purchased the land to an extent of Acs.0.40 cents in Sy.No.5 situated at Gangadapalem, Govupeta under a registered sale deed dated 15-9-1952. Thereafter, he constructed asbestos sheet shed, and since then he has been in possession and enjoyment of the same. It is alleged that the staff of the respondents herein have been interfering with his possession and also threatening to demolish his house without there being any justifiable reason. Hence, this writ petition.

The learned Government Pleader for revenue appearing for the respondents, under instructions stated that as a matter of fact, the petitioner has been trying to encroach upon the land belonging to the Government situated in Sy.No.33 & 34 of Chapaluppada Village under the guise of a document relating to Sy.No.5. The petitioner also uprooted the palmyrah trees standing on the said land, and removed basements constructed under Weaker Sections Housing Scheme. In the circumstances, a case in Crime No.54 of 2005 dated 26.2.2005 on the file of P.S. Bheemunipatnam was registered.

It is always open to the respondents to proceed with appropriate action if the petitioner is indulging in illegal activities. However, so far as his possession with regard to his own house in Sy.No.5 is concerned, it shall not be interfered without following due process of law.

The Writ Petition is accordingly disposed of making it clear that the respondents shall not interfere with the house of the petitioner situated in Sy.No.5 of Gangadapalem, Govupeta without following due process of law. However, this shall not preclude the respondents to take necessary action with regard to the encroachment into Sy.Nos.33 and 34 of Chapaluppada village are concerned and it is also open to them to proceed with the action already initiated against the petitioner, so far as the said lands are concerned.

With the above direction, the Writ Petition is disposed of. No costs.

G. ROHINI, J.

3rd March, 2005

Js.

To

1 The District Collector, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Bheemunipatnam,

Visakhapatnam.

4 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.